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International Convention on
the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-eighth session
6-23 March 2001

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

ARGENTINA

1. The Committee considered the fifteenth periodic report of Argentina (CERD/C/338/Add.9), which was due on 4 January 1998, at its 1439th and 1440th meetings (CERD/C/SR.1439 and 1440), held on 6 and 7 March 2001. At its 1457th meeting (CERD/C/SR.1457), held on 19 March 2001, it adopted the following concluding observations.

Introduction

2. The Committee welcomes the report submitted by Argentina and appreciates the supplementary updated information provided by the delegation orally and in writing, and also its detailed and frank answers to the questions and comments formulated by members of the Committee.

Factors and difficulties impeding the implementation of the Convention

3. The Committee notes that Argentina is still experiencing a difficult economic situation. In particular, this situation affects vulnerable population groups, such as indigenous groups, and immigrants from neighbouring countries, many of whom are undocumented. This economic situation also results in budgetary constraints for government agencies responsible for combating racial discrimination and taking measures in favour of the most vulnerable groups.

Positive aspects

4. The Committee welcomes the measures to strengthen the National Institute to Combat Discrimination, Xenophobia and Racism (INADI). It also welcomes the activities of the Institute, such as the organization of training seminars for primary and secondary school teachers to embrace pluralism, training courses for law enforcement officials and publicity campaigns in the media, and the establishment of a mechanism to receive complaints and take action thereon by mediating and intervening in the courts.

5. The Committee welcomes with satisfaction the measures designed to give greater autonomy to the National Institute of Indigenous Affairs, to build its capacity and to elaborate a national plan for indigenous peoples. It notes with interest the progress made thus far by the Institute in the context of the programme to transfer estate land to the indigenous communities that have traditionally occupied it.

6. The Committee welcomes Argentina's recent ratification of the Convention concerning Indigenous and Tribal Peoples in Independent Countries (International Labour Organization Convention No. 169).

Concerns and recommendations

7. The Committee notes that the Government's plans to hold an updated census which would, inter alia, take into account information on membership of indigenous groups, have not been sufficiently resourced. The Committee encourages the Government to take the measures necessary to hold the census as soon as possible.

8. The Committee notes the absence in the periodic report of detailed information concerning the representation of indigenous peoples in the civil service at the federal and provincial levels, the police, judicial system and Congress. It also notes the lack of information on the extent to which these segments of the population enjoy economic, social and cultural rights. The Committee reiterates its request to the State party to include in its next periodic report detailed information on the above-mentioned aspects.

9. The Committee notes with concern a statement made by the State party that the territories in which indigenous peoples have settled coincide with the areas with the highest index of unmet basic needs, and that the poverty and unemployment indices among indigenous populations and other vulnerable groups have risen as a result of the economic crisis. The Committee recommends that the State party take steps to alleviate this situation and that it keep the Committee informed thereon.

10. The Committee also notes with concern that, although progress has been made regarding consultation with indigenous peoples so that they may participate in decisions which affect them with a view to securing their agreement, there are still situations in which consultation and participation do not occur. The Committee recommends that the State party find ways and means to facilitate such participation.

11. The Committee further notes with concern the difficulties that arise in some cases of transferring estate land to indigenous peoples due, primarily, to the existence of individual title deeds and to the conflict of jurisdiction between the national and the provincial governments. The Committee recalls the relevant provisions of its General Recommendation XXIII and recommends that steps be taken to overcome these difficulties.

12. The Committee notes with concern the lack of a social security system which takes into account the specific needs of indigenous peoples and recommends that steps be taken in that regard.

13. The Committee is concerned by the existence of xenophobic attitudes towards immigrants, primarily those from neighbouring countries, asylum-seekers and persons of African descent. These attitudes, which are manifested even in some of the media, seem to have increased as a result of the present economic crisis and have given rise, on occasion, to violent incidents. The Committee recommends that the State party monitor such attitudes and incidents closely and take appropriate steps to deal with them.

14. The Committee notes with concern the difficulties that immigrants, primarily those from neighbouring countries, have in meeting the cost of obtaining residence papers, and the lengthy and excessively bureaucratic immigration procedures, and recommends that the State party take steps to deal with this, inter alia, by offering advice free of charge. The Committee recommends, in particular, that the immigration bill currently under discussion should include provisions to deal with these problems.

15. The Committee regrets the slow pace of the proceedings relating to the 1992 and 1994 anti-Semitic attacks, although it notes that progress has been made, and it calls for these proceedings to be completed as soon as possible.

16. The Committee notes with concern that there have been reports of police brutality committed on a variety of pretexts, on grounds of race, colour or ethnic origin; it therefore recommends that, in the courses and seminars organized to provide human rights education for members of the police, armed forces, immigration and prison officials, particular attention be given to the dissemination and implementation of the Convention.

17. The Committee notes that INADI is experiencing difficulties in covering the entire national territory with regard to receiving and handling complaints of racial discrimination, and recommends that steps be taken to address this situation.

18. The Committee requests that the State party include in its next report statistical information regarding legal actions carried out in Argentina against acts of racism. It also requests information regarding the conclusions of the Ministry of Justice commission responsible for adapting domestic laws to international instruments as regards the Convention.

19. The Committee recommends that the reports of the State party be made public when they are submitted to the Committee, and that the concluding observations of the Committee thereon be widely disseminated.

20. The Committee takes note of the proceedings under way at the level of the executive organs with a view to formulating the declaration provided for in article 14 of the Convention and encourages the State party to complete these proceedings.

21. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention which were adopted on 15 January 1992 at the Fourteenth Meeting of States Parties.

22. The Committee recommends that the State party submit its 16th and 17th periodic reports jointly with the 18th periodic report on 4 January 2004, and that it address the points raised in the present observations.